



City of Wheatland

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CITY COUNCIL MEETING STAFF REPORT

Date: January 12, 2010
Agenda Item: _____

Subject: Resolution to Vacate E Street South of Main Street

Prepared by: DHS
Dane H. Schilling
City Engineer

Approved: _____
Stephen L. Wright
City Manager

Recommendation: Adopt a resolution vacating the portion of E Street South of Main Street while retaining a Public Utility Easement over the entire width.

Discussion: On November 27, 2007, Council held a public hearing and adopted a resolution to vacate the southerly end of E Street south of Main Street while retaining a Public Utility Easement over the existing road right-of-way. Council directed staff to grant the four adjacent property owners a portion of the street right-of-way according to the attached map.

In May 2009, staff began taking the last steps in completing the vacation process by performing research and preparing legal descriptions for the conveyance of the various pieces of the street right-of-way to the adjacent owners. During that process it was discovered that insufficient records exist to conclude that the City owns the right-of-way in fee (as was assumed when previously brought before Council). In the opinion of the City Attorney, because no clear records of fee title ownership can be found, the City's rights at this location are considered "in easement". Therefore, the process of vacating is somewhat different than described in the earlier resolution. In addition, the portion of the roadway that was to be conveyed in fee to Hass will have to be done in easement instead.

In June of 2009, the City contacted each of the adjacent property owners about sharing the costs associated with vacating the street and recording the necessary documents with County (see attached letter). As a result, each of the

property owners provided funds on a pro-rata basis toward completing the vacation process.

Alternatives: The City may decide not to go forward with vacation of this portion of E Street Decide and, therefore, should provide refunds to adjacent property owners.

Fiscal Impact: 1) Savings from not having to maintain this portion of E Street as well as reduced liability. 2) A reduction of revenue of \$60/yr from the lease payment currently being made by Mr. Wallace. 3) Although the City has collected money from each of the adjacent owners to cover the costs associated with vacation of E Street, the issue of fee ownership versus easement has & will require more staff time than originally anticipated – estimated under \$1,500.

Attachments:

Location Map

June 29, 2009, letter to adjacent property owners

Resolution